

DATE
APPROVED:

CONSERVATION COMMISSION MINUTES FOR NOVEMBER 21, 2013

PAGE #13-63

MEMBERS PRESENT:

Vice Chairman Tom Failla, Catherine Minter, Chris Spaulding, Robert Turner, Michiel Zegers, and Ted von Rosenvinge

Meeting on digital recording dated 11/21/13

Mr. Failla opened the November 21st Regular meeting of the Weston Conservation Commission at 7:30 p.m.

WALK DATE:

The walk was set for Saturday, December 7, 2013. The Commissioners will meet at 8:00 a.m.

RECEIPT OF APPLICATION:

- Knapp, 17 Kettle Creek, demolition of tennis court & new house (MK Construc.)

Mr. Pattee reported that the application was complete and appropriate for receipt.

MOTION FOR RECEIPT

Mr. Turner made a motion to receive the application of Knapp, 17 Kettle Creek and Mr. Zegers seconded. All in favor, the motion carried (6-0).

POTENTIAL EXECUTIVE SESSION: RELATED TO PENDING LITIGATION – JAMES M. PJURA, CODE ENFORCEMENT OFFICER, WESTON CONSERVATION COMMISSION AND TOWN OF WESTON V. NAUSHIN SARFRAZ

MOTION TO ENTER EXECUTIVE SESSION

Mr. Failla made a motion to enter executive session and Ms. Minter seconded the motion. All in favor the motion carried (6-0).

MOTION TO RE-ENTER REGULAR SESSION

Mr. Failla made a motion to re-enter regular session and Ms. Minter seconded the motion. All in favor, the motion carried (6-0).

Mr. Turner recused himself from the discussion.

Attorney Glenn Major came forward on behalf of Dr. & Mrs. Sarfraz noting that he was asked to get involved to see if an amicable resolution can be reached with regard to the two issues being

litigated. The first is the fill material that was brought in and how to deal with that and the second is to come up with a stabilization plan to ensure that there will be no runoff. He noted that they have reached out to Enviroshield, an environmental contracting company, and they are working directly with DEP and have provided them with soil tests that have been done.

Paul Tanner then came forward noting that he is a licensed environmental professional based in Springfield, MA. He explained that he has come up with a concept plan based on Grumman Engineering's approved stabilization plan, although he proposes significant changes. He then gave the Commissioners an overview of how he proposes to work with that plan and the changes he would make. He also noted that they are waiting to hear back from the DEEP with their recommendations on how the State would address this situation and then come up with a cohesive plan. Discussion ensued.

Following discussion Mr. Failla asked them to provide the Commission with the DEEP report, a revised grading plan, construction sequence and timing, and a performance bond.

Attorney Major noted that the site is stable and has survived two significant storms, the soil is overgrown and not going anywhere.

Mr. Pattee noted that when they did the site walk, there was one hot spot closest to the driveway and he would like to know whether that sample was from fill or from original grade and whether it is in the area of the septic system and/or leaching field.

DISCUSSION OF APPLICATION: SWIDERGAL, 7 BROOKWOOD LANE, REMEDIAL ACTIVITY ASSOCIATED WITH EXISTING POND, PHASE II OF PERMIT 13-23 (CHRIS ALLEN, LAND TECH)

Mr. Failla noted that they went out to the site. Ms. Minter stated that although they did not do anything destructive to the wetlands, all of the plants they planted will die because they are not wetland species. Mr. Pattee stated that he will do an inspection in the spring to see if they have started to grow. He further instructed the Commissioners to follow the recommendation from LandTech, and approve the proposed plan.

MOTION FOR APPROVAL

Mr. Spaulding made a motion to approve Phase II of Permit 13-23 at 7 Brookwood Lane, as shown on a plan prepared by LandTech and dated 6/12/13 and revised 9/11/13 for pond bank restoration, subject to the following conditions:

A. Filing of the contractor's statement.

B. Implementation of the erosion and sedimentation control plan prior to any site preparation activity. The plan must meet minimum standards as set forth in Public Act. No. 83-388 (An Act Concerning Soil Erosion & Sediment Control) Effective July 1, 1985.

C. The following language shall appear on the subdivision or deeds to lots which are to be filed on the Weston Land Records:

“No regulated activity as defined in the Public Inland Wetland Watercourse Act of the State of Connecticut Regulations as well as the Town of Weston’s Regulations as the same and from time to time as may be amended, shall be permitted in those areas designated and shown as wetlands on the aforementioned maps.” The wetland areas as well as any agreed to “buffer zones” designated on the aforementioned maps shall be established as areas whose natural and indigenous character shall be henceforth preserved and not encroached upon for any use that would alter the natural character of the land”.

D. Upon completion of the work, the developer will submit a certified report from a qualified professional engineer that the property was developed and the work completed as planned.

E. All applicable conditions of the Conservation Commission shall be recorded on the maps or linens of the Weston Land Records which are filed with the Town Clerk.

F. The Conservation Commission reviewed the alternatives to the approved action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application.

G. Per Public Act 93-305, effective 10/1/93, “Any permit issued under this section shall be valid for five years. Any regulated activity approved by the agency shall be completed within one year from the time such activity is commenced provided the agency may establish a specific time period within which any regulated activity shall be conducted and may require that an activity, once commenced, be completed within a time period of less than one year and further provided the agency extend (1) the time period of the original permit provided such period shall not extend beyond ten years from the date such permit was granted, or (2) the time period within which an activity, once commenced, is required to be completed under this section.”

H. Any changes in approved plans shall require notification to the Commission and may require that a new application be made.

I. Applicant agrees, represents and warrants that it will obtain all required federal, state and local permits prior to commencing any work on the site.

J. The Conservation Planner will inspect the plantings at the beginning and end of summer to ensure that they have taken hold.

K. Soil is to be removed from around the trees to expose the root flare.

Ms. Minter, seconded the motion. All in favor, the motion carried (6-0).

APPROVAL OF MINUTES

Mr. Failla made a motion to approve the minutes from the October 17, 2013 Regular Meeting and Ms. Minter seconded. All in favor, the motion carried (6-0).

MOTION TO ADJOURN

Mr. Zegers made a motion to adjourn the meeting and Mr. von Rosenvinge seconded. All in favor, the meeting adjourned 9:32 p.m.

Respectfully submitted,

Delana Lustberg
Recording Secretary